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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,656	12/23/1998	TSUKASA YAMAMOTO		4269

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/221,656

Applicant(s)

YAMAMOTO ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-34, 40-53, 55 and 59-73 is/are rejected.
- 7) ☒ Claim(s) 35-39, 54 and 56-58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Regarding the status of the claims in the instant application, the Examiner has discovered new prior art. The Examiner is therefore obliged to apply the newly found prior art. Thus, the finality of the prior Office action is withdrawn, and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 8-73 remain pending in the application.
2. Applicant's arguments with respect to claims 8-73 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-34, 40-53, 55 and 59-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jim Brown ("Software links POS with multiple nets"), Rembert ("US Patent No. 5,101,352) and Beasley et al. (US Patent No. 4,827,423).

As per claims 8, 22, 28, 33, 50, 52, and 71, Brown discloses a software system for linking a plurality of POS together. Brown states that the software "StoreNet/2 uses a polling algorithm

to collect data from attached POS devices” and transmits the collected data “to transaction process application such as price lookup, running on the Stratus or to another application running on the corporate host such as an inventory management”. Brown further states “through the software, the host system can download data, such as price lookup files, to remote POS controllers. Applicant is directed to the article. Thus, Brown clearly teaches “a plurality of point of sales terminals each including an electronic interface which obtains sales information concerning of a plurality of goods. Thus, the host computer described by Brown receives the sales information form the point of sales terminals. Brown does not specific teach details of an inventory management system. However, the Examiner asserts that the inventory management system of Brown would have included a production size determining unit for determining a production quantity to be produced in the future for the plurality of goods based on the sales information received from the plurality of point of sales terminals, and an output device for outputting data indicative of the production quantity determined by the production sized determining unit as such is the main function of an inventory management system. Rembert teaches such an inventory management system. See column 3, lines 1-39 of Rembert. Rembert also states that the production information includes data for sales orders, inventory items, purchase orders, estimates and work orders. Note column 129, lines 38-49 of Rembert. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the inventory management system of Rembert into the system of Brown in order to detail out inventory data and requirements of a particular product. The combination of Brown and Rembert does not explicitly state a manufacturing unit for manufacturing the plurality of goods based on the sales information which is collected at the plurality of point of sales terminals and transmitted from

the plurality of point of sales terminal to the main production controller. However, it is noted as products are being sold and the inventory is being depleted, more products would be needed as determined by the inventory management system. Thus producing the needed products would have been obvious to one of ordinary skill in the art for replenishment and restocking purposes. A manufacturing unit would have then been necessary to provide these goods to the stores ordering needed goods. Beasley et al. disclose a computer integrated manufacturing system for scheduling data relating to product production by a machine. See the abstract of Beasley et al. The system comprises a manufacturing unit that determines the production unit for manufacturing the production quantity of the plurality of goods in response to receiving output data indicative of the production quantity. See column 8, line 20 to column 12, line 41 of Beasley et al. It would have been obvious to the skilled artisan to incorporate the teaching of Beasley et al into the combination of Brown and Rembert in order to manufacture a received quantity of products for accurate and timely producing and delivering of products to the plurality of point of sales terminals.

As per claim 9, Brown teaches connecting the plurality of point of sales terminals to a main control unit. Note the article.

As per claims 10-12, Brown teaches interconnecting the plurality of point of sales terminals and the main control unit using a communications network. Having a public network for interconnecting the plurality of point of sales terminals and the main controller and a public network for interconnecting the main control unit and the production unit would have been obvious to one of ordinary skill in the art in the combination of Brown, Rembert and Beasley et al. for instant communication purposes and for the rapid receipt and transmission of information.

As per claim 13, the point of sales terminals are located at at least one location where the plurality of goods are sold.

As per claim 14, the main control unit of Rembert comprises a host computer and the production size determining unit is a computer program being executed on the host computer.

As per claims 15-17 and 29, note the teachings of Rembert and column 17, column 37, lines 32-68 and column 48, lines 8-32 of Beasley et al.

As per claim 18, the name of the goods sold and the quantity of the goods sold are necessary in the combined teachings above.

As per claim 19, Brown teaches the sales information is directly transmitted from the point of sales terminals to the main control unit. Note the article of Brown.

As per claims 20-21, transmitting the sales information to the main control unit at a periodic time interval or at a daily interval would have been obvious to one of ordinary skill in the art for inventory control and restocking purposes.

As per claim 23, note column 9, lines 44-53 and columns 11 and 12 of Rembert.

As per claims 24 and 25, having a public communications network connecting the point of sales to the flexible manufacturing subsystem would have been obvious to one of ordinary skill in the art in the combination of Brown, Rembert and Beasley et al. for instant communication purposes and the rapid receipt and transmission of information.

As per claim 26, note the teachings of Rembert and column 17, column 37, lines 32-68 and column 48, lines 8-32 of Beasley et al.

As per claim 27, the system of Brown includes a host having means for receiving information from the point of sales terminals, a central processor for executing a program to

determine the production quantity of the products to be produced in the future (as noted in Rembert) and an output device for outputting the production quantity to the manufacturing controller (of Beasley et al.).

As per claims 30-31, transmitting the sales information via a public information network in the combined teachings of Brown, Rembert and Beasley et al would have been obvious to one of ordinary skill in the art for instant communication purposes and the rapid receipt and transmission of information.

As per claim 32, note columns 8-9 of Beasley et al.

As per claims 34 and 53, the POS are connected through a communication network.
Note the teachings of Brown.

As per claim 40, in the combination of Brown, Rembert and Beasley et al., an inventory control system exists. As products are sold, and an increase in demand is also being made, then the required additional units would have been to subtract an inventory quantity and past additional production request quantity from future demand. Updating the past additional production request quantity to reflect the calculated required size of additional production would have been obvious to one of ordinary skill in the art to do in the combination of Brown, Rembert and Beasley et al. The motivation would have been to update the system of a newly amount of a given product in order to satisfy customers' demands.

As per claims 41-44, Rembert teaches that required materials are based on either one of two modes, net change or regenerative. Net change is based on changes in materials and capacity requirements that result from changes in demand, supply and on hand balances which have occurred since the last time the MRP system was updated. Regenerative is placed on

deleted and rebuilt of MRP from existing orders, purchase orders and work orders. Note column 11, line 40 to column 12, line 46 of Rembert. Determining required raw quantities based on at least order backlog quantities of raw materials for which an order has been sent to a supplier and the supplier has acknowledged receipt of the order would have been obvious to one of ordinary skill in the art because a backlog quantity is similar to an indication that an order for raw materials is late and not in time which may result in the store having a low quantity of that needed product. When ordering or determining raw materials, it would have been obvious to one of ordinary skill in the art to take into consideration the amount that was previously ordered and not yet received (backlog quantities) and the currently desired amount so that the appropriate amount for the production of a certain good is always ordered, thereby preparing for a production lead time and providing an appropriate schedule for the production or receipt of the particular product or good. In so doing, the order backlog would have been modified and a correspondence would have been sent to the supplier. Depending upon the status of the order by the supplier, the appropriate modification would have been made so that the currently needed raw materials are always ordered.

As per claims 45 and 66, note column 6, lines 8-17 and column 10, lines 267-34 of Rembert.

As per claims 46 and 67, placing orders for raw materials in a sequence determined by the assembling and processing steps for manufacturing the good would have been obvious to one of ordinary skill in the art in the combination of Brown, Rembert and Beasley et al in order to assure that items are timely available based on the manufacturing stage of a product.

As per claims 47 and 68, the combination of Brown, Rembert and Beasley et al does not explicitly state the multiplying step. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to note that if the amount of raw material for one unit is known then the required quantities of raw materials for a number of additional units would have been a multiplication factor.

As per claims 48-49 and 69-70, note column 6, lines 8-17 and column 10, lines 26-34 of Rembert.

As per claim 55, Rembert discloses providing a product category. Note column 25, lines 39-55 of Rembert.

As per claim 59, most inventory control systems include inventory quantity data and past additional production request quantity data.

As per claims 60-64, applicant is directed to the rejection of claims 40-44 above.

As per claim 65, applicant is directed to column 25, lines 39-55 of Rembert.

As per claims 51, 72 and 73, see columns 9-10 and column 3, lines 52-67 of Beasley et al.

Allowable subject

The prior art taken alone or in combination failed to teach or suggest features recited in claims 35-39, 54 and 56-58.

Claims 35-39, 54 and 56-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
March 31, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
Au3628